

REMARKS

Applicants submit this Amendment in response to the Office Action mailed on May 17, 2005.

The claims have been amended as follows. Claim 21 has been amended for clarification that the filaments have a diameter of 1 to 10 nm and a length of 20 to 100 nm. Support for this amendment is found in the specification on page 16, lines 7 to 13.

Rejections of the Claims

I. Rejection of Claim 21 under 35 U.S.C. §112, second paragraph, for indefiniteness

The Examiner has rejected claim 21 as being indefinite for its recitation of “diameter of less than 10 nm and a length of less than 100 nm”. The Examiner further states that the claimed filament could have a diameter and/or length of 0 nm. Applicants traverse the rejection of this claim and submit that the claim, as originally presented, is not indefinite and that it is clear that the diameter and length are greater than zero because, in such an instance, there would not be a filament. However, in order to expedite prosecution of the application, Applicants have amended this claim as indicated above and submit that the amendment overcomes this basis of rejection of this claim. The Examiner is requested to withdraw the rejection of this claim on this ground.

II. Rejection under 35 U.S.C. §102(b)

The Examiner has rejected claims 21-22, 24-26, and 50-53 under 35 U.S.C. §102(b) as being anticipated by the disclosure of Scherzinger, Cell, 90:549-558 (1997). Applicants traverse the rejection of these claims on this ground. It is noted that claim 23 is not rejected on this ground.

Scherzinger discloses an aggregate in the form of a filament produced by recombinant means which has a diameter of less than 10 nm. See, page 552, second column, first paragraph. The Examiner further states that Scherzinger discloses a filament having a length of less than 100 nm, and cites Figure 4d on page 553 as support for this disclosure.

Applicants submit, however, that the Examiner is in error regarding the disclosure of the length of the filament of Scherzinger. Figure 4d shows a filament that has a terminal clot. Beneath this filament is a scale that shows a length of 0.1 microns (100 nm). An examination of the filament and the scale reveals that the length of the filament is at least 2 times the length of the scale. By the measurement of the undersigned Attorney for Applicant, the length of the scale showing 0.1 microns is 12 mm and the length of the filament is about 24 mm. Although it is admittedly difficult to determine the precise termination of the filament in Figure 4d, it is clear that the length of the filament is significantly greater than 100 nm. The written disclosure of Scherzinger confirms this measurement as, on page 552, second column, first paragraph, lines 9-10, Scherzinger discloses a filament length of up to 250 nm.

Applicants submit that, because Scherzinger does not disclose the features of the rejected claims, that the rejection of these claims as being anticipated by the disclosure of

Scherzinger is improper and the Examiner is respectfully requested to withdraw the rejection of claims 21-22, 24-26, and 50-53 on this ground.

III. Rejection under 35 U.S.C. 102(a)

The Examiner has rejected claims 21-26 and 50-53 under 35 U.S.C. §102(a) as being anticipated by the disclosure of Chen, Protein Science, 10:887-891 (2001). Applicants traverse the rejection of this claim on this ground.

Preliminarily, Applicants submit that the rejection under 102(a) is improper because Chen is authored two of the present co-inventors, Songming Chen and Ronald Wetzel. Thus, because the disclosure of Chen cannot possibly have been published before the invention by the Applicants, Applicants submit that the rejection on this ground should be withdrawn.


Additionally, Chen does not disclose the invention claimed in claims 21-26 and 50-53. Chen discloses a method for producing disaggregated monomeric peptides. The present claims, on the other hand, call for aggregated peptides. Chen, on page 890 does not produce aggregates. Rather, Chen discloses that the solution containing disaggregated monomeric peptides can be used immediately or stored in a frozen state.

Accordingly, Applicants submit that the rejection of claims 21-26 and 50-53 under 35 U.S.C. §102(a) as being anticipated by the disclosure of Chen is improper and respectfully request the Examiner to withdraw the rejection of these claims on this ground.

Conclusion

Applicants submit that the claims, as amended herein, are in condition for allowance and request an early notice to that effect.

Respectfully submitted,

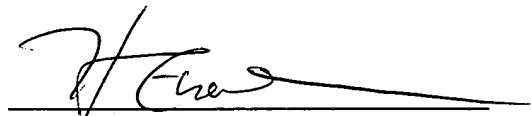


Howard M. Eisenberg
Reg. No. 36,789
2206 Applewood Court
Perkasie, PA 18944
Attorney for Applicant
Tel: (215) 453-9237

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 27, 2005.

Dated: 7/27/05



Howard M. Eisenberg